

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LEE JENKINS,

Plaintiff,

No. CIV S-04-1152 MCE GGH P

vs.

J.G. ARCEO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed December 12, 2005, a number of defendants, as well as claims, were dismissed from plaintiff's amended complaint with leave granted for plaintiff to file a second amended complaint. After having been granted extensions of time to file a second amended complaint,¹ plaintiff has now elected to proceed on the colorable claims that remain in the first amended complaint. By concurrently filed Findings and Recommendations, the court recommends dismissal of a number of defendants and claims.

The amended complaint states a cognizable claim for relief against defendants C/O Buckner, Sgt. Foster, G.R. Wilson for shutting off the drinking water in plaintiff's cell for a

¹By orders filed on January 23, 2006 and March 2, 2006.

1 sustained period of time in retaliation for the filing of inmate appeals; against defendant C/O
2 Moors for failing to process plaintiff's mail to him and for initiating an inmate assault upon
3 plaintiff; against defendant C/O Wilson for placing handcuffs too tightly on plaintiff; against Sgt.
4 Pemberton for slamming plaintiff against a wall; against defendant Baker, pursuant to 42 U.S.C.
5 § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven,
6 plaintiff has a reasonable opportunity to prevail on the merits of this action.

7 In accordance with the above, IT IS HEREBY ORDERED that:

8 1. Service is appropriate for the following defendants: C/O Buckner; Sgt. Foster;
9 G.R. Wilson; C/O Moors; C/O Wilson; Sgt. Pemberton; Baker.

10 2. The Clerk of the Court shall send plaintiff seven (7) USM-285 forms, one
11 summons, an instruction sheet and a copy of the amended complaint filed May 2, 2005.

12 3. Within thirty days from the date of this order, plaintiff shall complete the
13 attached Notice of Submission of Documents and submit the following documents to the court:

14 a. The completed Notice of Submission of Documents;

15 b. One completed summons;

16 c. One completed USM-285 form for each defendant listed in number 1
17 above; and

18 d. Eight (8) copies of the endorsed amended complaint filed May 2, 2005.

19 4. Plaintiff need not attempt service on defendants and need not request waiver of
20 service. Upon receipt of the above-described documents, the court will direct the United States
21 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
22 without payment of costs.

23 DATED: 4/18/06

24 /s/ Gregory G. Hollows

25 GREGORY G. HOLLOWES
26 UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION

OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

1 completed summons form

7 completed USM-285 forms

8 copies of the May 2, 2005
Amended Complaint

DATED:

Plaintiff